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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of DEBINSKI

Application No.: 09/226,799

Date filed: January 7, 1999


Examiner: Ungar, S.

Group: 1642

For: METHOD FOR DIAGNOSING, IMAGING, AND TREATING TUMORS USING  
RESTRICTIVE RECEPTOR FOR INTERLEUKIN-13

CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with  
the U.S. Postal Service as First Class mail in an envelope  
addressed to the Commissioner for Patents, Washington, D.C.  
20231, on July 13, 2001.

  
Stanley A. Kim, Esq., Reg. No. 42,730

Commissioner for Patents  
Washington, DC 20231

**DECLARATION UNDER 37 C.F.R. §1.132**

I, James R. Connor, Ph.D., declare that:

1. Waldemar Debinski, M.D., Ph.D., ("Dr. Debinski") and I are the coinventors of  
the subject matter described and claimed in the above-identified U.S. patent application.

2. I am a coauthor of the subject matter disclosed in Debinski et al., Abstract: A  
Restrictive Receptor for Interleukin 13 is a Marker and Therapeutic Target for Human  
Glioblastoma Multiforme, The Society for Neuro-Oncology Third Annual Meeting: Abstract  
Form November 12-15, 1998, San Francisco, CA ("the 1998 Abstract"). The 1998 Abstract also  
names D. M. Gibo, S.W. Hulet, Dr. Connor, and G.Y. Gillespie as coauthors. Of the five

coauthors of the 1998 Abstract, only Dr. Debinski and I are coinventors of the subject matter disclosed in the 1998 Abstract used to reject the claims pending in the above-identified patent application. The other coauthors are not coinventors, but rather assisted with conventional techniques under Dr. Debinski's and my direction.

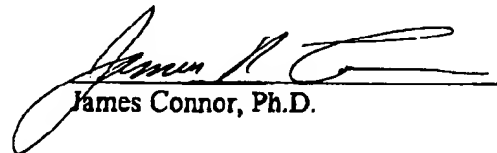
3. Denise M. Gibo, a research assistant, assisted with experiments that Dr. Debinski and I designed by preparing tissue sections and performing autoradiography. She did not make an inventive contribution to the subject matter disclosed in the 1998 Abstract used to reject the claims pending in the above-identified patent application.

4. Stanley W. Hulet, a graduate student under my supervision, performed autoradiograph experiments that Dr. Debinski and I designed. He did not make an inventive contribution to the subject matter disclosed in the 1998 Abstract used to reject the claims pending in the above-identified patent application.

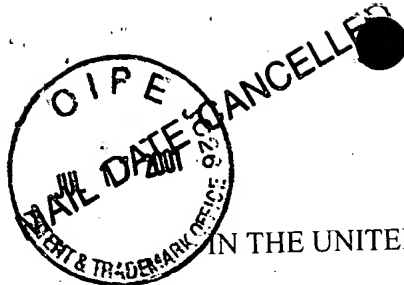
5. Dr. G.Y. Gillespie, a recognized expert in the field of brain tumors, provided glioblastoma samples used in the studies reported in the 1998 abstract and assisted in experiments with animal models of intracranial glioblastoma using the cytotoxins described therein. He did not make an inventive contribution to the subject matter disclosed in the 1998 Abstract used to reject the claims pending in the above-identified patent application.

I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

7-12-01  
Date

  
James Connor, Ph.D.

P1007328;1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of DEBINSKI

Application No.: 09/226,794

Date filed: January 7, 1999



Examiner: Ungar, S.

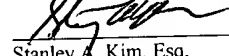
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For: METHOD FOR DIAGNOSING, IMAGING, AND TREATING TUMORS USING  
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#16  
JGJ  
7/24/01

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I further declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

7/12/01  
Date

W. Debinski  
Waldermar Debinski, M.D., Ph.D.

PI007269;1

-3-

\*\* TOTAL PAGE.07 \*\*